



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, MARCH 26, 2024**

A meeting of the Committee of Adjustment was held on Tuesday, March 26, 2024 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

MEMBERS PRESENT:

| | |
|---------|----------------|
| Chair | Paul Brown |
| Members | Don Ricker |
| | Paul Fleck |
| | Paul Makey |
| | Brian Snyder |
| | Brian Wagter |
| | Carolyn Bowman |

STAFF PRESENT:

| | |
|---------------------|-------------------|
| Manager | Shannon VanDalen |
| Supervisor | Krystina Wheatley |
| Planner | John Douglas |
| Planner | Mark Andrews |
| Secretary-Treasurer | Chenxi Tang |
| Planning Technician | Jassie Cleaver |

The Committee of Adjustment dealt with the following applications:

CONSENTS:

| | | |
|--------------|--|----------|
| PLB-2024-012 | Armstrong Milling Company Ltd. | APPROVED |
| PLB-2024-014 | 2818675 Ontario Ltd. (C/O Luke McKeen) | APPROVED |
| PLB-2024-015 | 2818675 Ontario Ltd. (C/O Luke McKeen) | APPROVED |
| PLB-2024-016 | 2818675 Ontario Ltd. (C/O Luke McKeen) | APPROVED |
| PLB-2024-018 | Mosaic Esterhazy Holdings ULC | APPROVED |
| PLB-2024-019 | Pine Ridge Gardens Inc. (Henry Westerveld) | DEFERRED |
| PLB-2024-020 | Villacrest Farms Ltd. | APPROVED |

PLB-2024-026

Estate of Lynne Marie Larway,
Estate Trustee Kristi Lee Rhodes

APPROVED

CONSENTS & RELATED MINOR VARIANCES:

MINOR VARIANCES:

PLA-2024-024

Kyle Myers

APPROVED

PLA-2023-145

Justin Cruse

APPROVED

PLA-2022-178

Kevlar Development Group

APPROVED

DECLARATIONS OF PECUNIARY INTEREST: None declared.

CONSENTS:

A) PLB-2024-012

Armstrong Milling Company Ltd.

Present: Joseph M. Tomaino

Correction of the year of application was made at time of the hearing, from application PLB-2023-012 to PLB-2024-012

Discussion took place regarding the cistern and well systems being a condition for a approval, John Douglas who advised that the application was only for consent. Future site plan application is required at which time servicing will be required.

-Comment from Member Bowman that a sheep farm does exist in proximity to the Subject Lands. However, it was confirmed by Shannon VanDalen that Minimum Distance Separation does not apply for this application.

The proposal is for the creation of a new lot to facilitate a separate agricultural processing operation under the ownership of Armstrong Milling Company Ltd. The proposed severed and retained parcels meet the zoning provision for the MR-Rural Industrial Zone, specifically lot area and lot frontage

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Armstrong Milling Co LTD.** for the

creation of a new lot to facilitate a separate agricultural processing operation. The severed lands are to be 2.68ha (6.62 acres) and the retained lands to be 4.08ha (10.0 acres) in size.

DECISION: APPROVED

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up-to-date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
 2. That the owner’s solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County and prior to the registration of the certificate. The Secretary-Treasurer or designate must approve the changes prior to registration of the certificate.
 3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 136.95 metres (449.3 feet), and an area of 2.69 hectare (6.65 acre). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

The AutoCad drawings need to be georeferenced for the following Coordinate System:

| | |
|-------------------------------|-------------------------|
| Projected Coordinate System: | NAD_1983_UTM_Zone_17N |
| Projection: | Transverse_Mercator |
| False_Easting: | 500000.00000000 |
| False_Northing: | 0.00000000 |
| Central_Meridian: | -81.00000000 |
| Scale_Factor: | 0.99960000 |
| Latitude_Of_Origin: | 0.00000000 |
| Linear Unit: | Meter |
| Geographic Coordinate System: | GCS_North_American_1983 |
| Datum: | D_North_American_1983 |
| Prime Meridian: | Greenwich |
| Angular Unit: | Degree |

4. Full Lot Grading Plan

Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied.

Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

5. Daylight Triangle
That an 8 meter x8 meter day light triangle be located at the entrance of the Subject Lands.
6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 26, 2026, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law

B) PLB-2024-014, PLB-2024-015, PLB-2024-016
2818675 Ontario Ltd. (C/O Luke McKeen)

Present: Scott Puillandre (Agent) , Dan Wainger, Robin Credock, Larry Heston, Carrie Simonton

There were multiple concerns from public present in regards to the potential traffic due to the access availability to the future developments. Clarification that the lot addition proposal is to allow more access onto highway 6 hence allow for more space to create an entrance. Shannon VanDalen also commented that MTO is in control of highway 6 and 3. Ultimately a traffic study will need to be done but is not required for the application before us. Currently, traffic is not an issue to be discussed during the severance and boundary adjustment application. As it will be addressed during the site plan approval.

PLB-2024-014 – The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.089ha (0.22 acres) . The retained parcel will have an approximate area of 59.9ha (148.01 acres)

PLB-2024-015 – The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.089ha (0.22 acres) . The retained parcel will have an approximate area of 0.29ha (0.74 acres)

PLB-2024-016 – The applicant proposes to sever the lands for lot creation. The severed lands will contain an area of approximately 10.9ha (26.93 acres). The retained parcel will have an approximate area of 49.1ha (103.5 acres).

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Miller Robert Raymond** for the two boundary adjustments and one lot creation severance. Application PLB-2024-014 and PLB-2024-015 for boundary adjustment severances, and PLB-2024-016 for lot creation severance.

DECISION: APPROVED

- CONDITIONS:**
- 1) That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up-to-date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
 - 2) Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.
 - 3) That the severed parcels become part and parcel of the abutting lands presently owned by Robert Miller and further identified as Roll # 2810-331-002-11000
 - 4) That the owner’s solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County and prior to the registration of the certificate. The Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
 - 5) Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 17.55 metres (57.6 feet), and an area of approximately 892 square metres (9,604 square feet)). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca.

The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.

The AutoCad drawings need to be georeferenced for the following Coordinate System:

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| False_Northing: | 0.00000000 |
| Central_Meridian: | -81.00000000 |
| Scale_Factor: | 0.99960000 |
| Latitude_Of_Origin: | 0.00000000 |
| Linear Unit: | Meter |
| Geographic Coordinate System: | GCS_North_American_1983 |
| Datum: | D_North_American_1983 |
| Prime Meridian: | Greenwich |
| Angular Unit: | Degree |

- 6) That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 26, 2026, after which time this consent will lapse.

REASONS The proposal conforms to the intent of the Official Plan and Zoning By-law.

C) PLB-2024-018

Mosaic Esterhazy Holdings ULC

Present: Ethan Cleugh, Planning Agent

No Discussion

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Mosaic Esterhazy Holdings**, for a Validation of Title for parcel of land location **SHB CON 2 PT LOTS 6 & 7**.

DECISION: APPROVED

CONDITIONS: No Conditions

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law

D) PLB-2024-019
Pine Ridge Gardens Inc. (Henry Westerveld)

Present: No Agent or Applicant present at time of hearing

Discussion took place clarifying whether or not there was a building permit obtained, and if it was required for the greenhouse. John Douglas advised that a building permit was required, but not obtained. As the structure is in very close proximity to the creek, the applicant must obtain comments from the Niagara Conservation Authorities.

Member Ricker wanted to approve application

The proposal is for a severance of land as a boundary adjustment for applicant **Pine Ridge Gardens Inc.** The severed lands are approximately 1.57Ha (3.88 acres). The retained parcel will have an approximate area of 12.68 Ha (31.33 acres).

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Pine Ridge Gardens Inc.**, to sever the Subject Lands as a Boundary Adjustment for parcel of land legally described as **Moulton Concession 1 FC Part Lot 14, Registered Plan 18R6431 Part 1.**

DECISION: DEFERRED

CONDITIONS: N/A because application deferred

REASONS: Application needs to wait for comments from Niagara Conservation Authorities

E) PLB-2024-020
Villacrest Farms Ltd.

Present: Kim Hessel

No Discussion

The proposal is for the severance of a lot containing an existing surplus farm dwelling and accessory structure for applicant **Villacrest Farms LTD.** The proposed severed lands are to be 0.53Ha (1.31acres) , and the retained lands are to be approx. 24ha (59.3acres)

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Villacrest Farms Ltd.** to sever the lands containing an existing surplus farm dwelling and accessory structure. The Subject Lands are legally described as **Sherbrooke Concession 3 Part Lot 13 Part Lot 14.**

DECISION: APPROVED

- CONDITIONS:**
- 1) That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up-to-date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
 - 2) That the owner’s solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, and prior to the registration of the certificate. The Secretary-Treasurer or designate must approve the changes prior to registration of the certificate.
 - 3) Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 73 metres (239.6 feet), and an area of 0.53 hectare (1.31 acre). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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| Central_Meridian: | -81.00000000 |
| Scale_Factor: | 0.99960000 |
| Latitude_Of_Origin: | 0.00000000 |
| Linear Unit: | Meter |
| Geographic Coordinate System: | GCS_North_American_1983 |
| Datum: | D_North_American_1983 |
| Prime Meridian: | Greenwich |
| Angular Unit: | Degree |

4) Municipal Drain – drainage re-apportionment agreement

Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.

5) That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 26, 2026, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law

F) PLB-2024-026

Estate of Lynne Marie Larway, Estate Trustee Kristi Lee Rhodes

Present: Lorna Johnson (Agent), and Ms. Lytchmen

The proposal is for the Validation of Title for 53 Jane Street for applicant Larway Lynne Marie.

There was discussion between agent and Member Bowman about how the Gibsons could not be located, yet Bowman could identify where they were currently located. It was then clarified that they had since been located. However they are to be contacted after the sale to have the title rectified for Ms. Lytchmen's parcel of land. Similar to the attempts of tracking down lawyer Frank Brown, Member Bowman identified the Law Firm. Agent clarified that she did reach out to the firm, but they were unresponsive and unwilling to help.

Discussion also took place between Member Fleck and Mark Andrews as to whether anything could be done during the meeting to resolve all of Ms. Lytchmen's issues. Mark Andrews replied that the application of Validation of title is for what is existing today so that the applicant is able to sell the property and to fix the mistakes that were previously made in the past.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of PURSUANT Larway Lynne Marie, for a

Validation of Title for parcel of land location HAG PLAN 905 BLK 4 PT LOTS 6 & 7, Municipally known as 53 Jane Street.

DECISION: **APPROVED**

CONDITIONS: No Conditions

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law

MINOR VARIANCES:

A) PLA-2024-024

Kyle Myers

Present: Kim Hessels , Kyle Myers

Member Bowman asked for clarity as to whether the application was for the totality of lot coverage, confirmation was received by Kim Hessels, that this was the intent of the application.

The proposal is a Minor Variance application seeking relief from the lot coverage provisions of the Agricultural (A) Zone of Haldimand County Zoning By-Law HC 1-2020. The relief is required to permit the construction of a storage building on the Subject Property.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Kyle Myers**, for relief of lot coverage provisions of the Agricultural (A) Zone of Haldimand County Zoning By-Law HC 1-2020. Subject Lands are legally described as **North Cayuga Concession 1 Street Part Lot 17 Registered Plan 18R6890 Part 1**.

DECISION: **APPROVED**

CONDITIONS: No Conditions

REASONS: The proposal is consistent with the Provincial Policy Statement (2020) and conforms to the Provinces' Growth Plan (2019), as well as to the Haldimand County Official Plan. It meets the criteria and intent of the Haldimand County Zoning By-Law HC-1 2020

B) PLA-2023-145

Justin Cruse

Present: Justin Cruse

No Discussion

The proposal is a Minor Variance application seeking relief from the total useable floor area and building height provisions of the Lakeshore Residential (RL) Zone of Haldimand County Zoning By-law HC 1-2020. Relief is requested to permit the construction of a garage on the subject property.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Justin Cruse** for relief from the total useable floor area and building height provisions of the Lakeshore Residential (RL) Zone of Haldimand County Zoning By-law HC 1-2020. The Subject Lands are legally described as **Concession 1, Part Lot 16, Reference Plan 18R5037 Parts 1 and 3, Geographic Township of Rainham.**

DECISION: **APPROVED**

CONDITIONS: No Conditions

REASONS: The proposal is consistent with the Provincial Policy Statement (2020) and conforms to the Provinces' Growth Plan (2019), as well as to the Haldimand County Official Plan. It meets the criteria and intent of the Haldimand County Zoning By-Law HC-1 2020

C) PLA-2022-178

Kevlar Development Group

Present: Kevsco Checki

Member Wagter had a question regarding the comments from the First Nations. The proposal is for a Minor Variance seeking relief from the front yard setbacks, exterior side yard setbacks, rear yard setbacks, and gross floor area for retail uses and drive through spaces provisions of the Service Commercial (CS) Zone of Haldimand County Zoning By-Law HC 1-2020. The relief is requested to permit the construction of a retail commercial development on the Subject Property.

The Committee made the following decision:

drive through space. The Subject Lands are legally described as **Geographic Township of Moulton, Plan 1037 Part Lot 7 Plan, 720 Part Lot 7, Registered Plan 18R2891 Parts 1 to 5**

DECISION: **APPROVED**

CONDITIONS: No Conditions

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Provinces' Growth Plan (2019), and to the Haldimand County Zoning By-Law HC 1-2020.

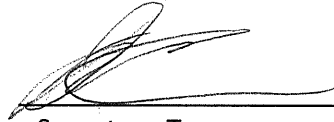
OTHER BUSINESS:

The minutes of the March 26th, 2024 meeting were adopted as amended.

The meeting adjourned on March 26th, 2024 at 11:30am



Chairman



Secretary-Treasurer